

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID RUCKER, et al.,)	No. C 08-1497 JSW (PR)
)	
Plaintiff,)	ORDER OF DISMISSAL WITH
)	LEAVE TO AMEND
v.)	
)	
BEN CURRY,)	
)	
Defendant.)	

Plaintiffs, seven California prisoners, filed this pro se civil rights complaint under 42 U.S.C § 1983. One Plaintiff, David Rucker, has filed a motion to proceed *in forma pauperis*, which is GRANTED in a separate order. This Court now reviews the Complaint pursuant to 28 U.S.C. § 1915A and DISMISSES the case with leave to amend.

As Plaintiffs are prisoners proceeding pro se, they must proceed in separate cases. Plaintiffs have limited access to one another, have individual facts pertaining to their claims, and as they are not lawyers they cannot represent each other. These obstacles have already produced one procedural problem, namely that only one of the seven Plaintiffs have filed an application to proceed *in forma pauperis*. Basic case management principles of delay reduction and avoidance of confusion call for the Plaintiffs' claims to proceed separately. Accordingly, Plaintiffs Thibeault, Moreno, Alls, Littleton, Comaux, and S. Kelly are DISMISSED as Plaintiff from this action without prejudice to their filing individual complaints in new cases which each of them is the only Plaintiff.


1 Plaintiff Rucker, the first named Plaintiff and the only Plaintiff to have filed an *in*
2 *forma pauperis* application may proceed in this action. However, he must first file an
3 amended complaint containing allegations pertaining to himself only. The current
4 complaint containing allegations pertaining to seven Plaintiffs is DISMISSED with leave
5 to amend. Plaintiff Rucker may file an amended complaint within *thirty days from the*
6 *date this order is filed*. The amended complaint must be simple and concise and must
7 include the civil case number used in this order (C 08-1497 JSW (PR)) and the words
8 FIRST AMENDED COMPLAINT on the first page.

9 **Failure to file an amended complaint in accordance with this order will result**
10 **in the dismissal of this action without prejudice. Plaintiff is advised that the**
11 **amended complaint will supersede the original complaint and all other pleadings in**
12 **this action. Claims and Defendants not included in the amended complaint will not**
13 **be considered by the Court. See King v Atiyeh, 814 F2d 565, 567 (9th Cir 1987).**

14 It is Plaintiff's responsibility to prosecute this case. Plaintiff must keep the Court
15 informed of any change of address and must comply with the Court's orders in a timely
16 fashion by filing a separate paper captioned "Notice of Change of Address." Failure to
17 do so may result in the dismissal of this action under Federal Rule of Civil Procedure
18 41(b).

19 IT IS SO ORDERED.

20 DATED: May 8, 2008

21 
22 JEFFREY S. WHITE
23 United States District Judge
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

DAVID RUCKER,

Plaintiff,

v.

BEN CURRY et al,

Defendant.

Case Number: CV08-01497 JSW


CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 8, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

David Rucker
P29892
P.O. Box 689
Soledad, CA 93960

Dated: May 8, 2008


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk